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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,756	09/15/2000	MANABU OHGA	35.CI4795	3508
5514	7590	12/08/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, MADELEINE ANH VINH	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/662,756	OHGA, MANABU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Madeleine AV Nguyen	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 30 September 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-12 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 16-18 is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 30, 2005 has been entered.

***Claim Objections***

2. Claims 9 and 18 are objected to because of the following informalities: "recording medium" should be —computer readable medium—(MPEP 2106.IV.B.1(a). Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kouzaki (US Patent No. 5,446,476).

Concerning claims 1 and 8, Kouzaki discloses an image processing apparatus and method (Figs.6 and 10) comprising means for or steps of receiving an input color signal (5), determining whether or not a received inputted color image signal represents achromatic color (95); correcting the input color image signal (96) according to an observation condition (lighting condition) to produce a corrected input color image signal (84); converting (84), after the correction step, the corrected input color image signal produced in the correcting step into an achromatic color image signal (C'M'Y'Bk') when it is determined in the determining step that the input color image signal represents achromatic color, (Figs. 1, 3, 4, 6, 10, 12; col. 4, line 56–68; col. 5, lines 18-50; col. 6, lines 6-52).

Concerning claims 2-7, 10-12, Kouzaki further teaches that the input color image signal (DR,DG,DB) depends on an input-side observation condition (lighting condition) and is independent on a device (R, G, B density values), (Figs.3-4, 10; col. 4, lines 53-68; col. 5, lines 51 – col. 6, line 5), (claim 2); wherein the color image signal is represented by an RGB color space according to a standard white point of an input-side observation light (Fig.4; col. 4, lines 56-68), (claim 3); in the correction step, the inputted color image signal, which depends on an input-side observation condition (Fig.4) is transformed into a corrected input color image signal, which depends on an output side observation condition (Figs.20-23) and wherein, when the input color image signal, which depends on the input-side observation condition, is determined in the determining step (95) to represent achromatic color, the achromatic color image signal produced in the converting step by converting the corrected input color image signal produce in the correcting step, is an achromatic color signal according to output-side observation light (the lightning condition input to the color balancing section 88 in Fig.15 or to the gamma correction

section 89 in Fig.18), (col. 7, line 5 – col. 8, line 35), (claim 4); transforming a device dependent color image signal (RGB) into a device-independent color image signal (DR, DG, DB) based on an input profile (the setting in Figs.2-4), wherein whether or not the transforming step is executed depends on information in the input profile or users manual instruction (col.4, lines 23-52), (claims 5-6); converting the corrected input color image signal into an output-device-dependent color image signal (YMCK) based on an output profile (Figs.20-23; col. 7, line 64 – col. 8, line 64), (claim 7); obtaining a conversion condition for converting the input color image signal (RGB) into a device-independent a color space (DR, DG, DB), (Fig.10) based on a standard white point of input-side light, converting the input color image signal according to the conversion condition, and wherein the determining step includes determining whether or not the converted input color image signal represent achromatic color (82-95, Fig.10), (claim 10); the color space is defined by red, green and blue color components (Fig.6, 8 or 10), (claim 11); the correction of the input color image signal according to the observation condition is based on a color appearance model (Figs.3-4, 20-23) and performs non-linear correction (Figs.11-12), (claim 12).

Concerning claim 9, Kouzaki discloses a storage recording medium (in a computer) for storing a computer-readable program with a plurality of codes for executing an image processing method as discussed in claim 1 above.

*Allowable Subject Matter*

3. Claims 16-18 are allowed.

4. The following is an examiner's statement of reasons for allowance: Claims 16-18 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches an image processing method or a computer readable medium for storing a program executing an image processing method comprising the steps of correcting, using a non-linear model according to the input-side observation condition and an output-side observation condition, the color image signal to generate a color image signal according to the output-side observation condition; determining whether or not the color image signal represents achromatic color by determining whether or not the red component, the green component, and the blue component, composing the output-device-dependent color image signal, are approximately equal, wherein, when it is determined that the color image signal represents achromatic color, correcting the color image signal according to the output-side observation condition to represent achromatic color and executing the conversion based on the output profile.

### ***Conclusion***

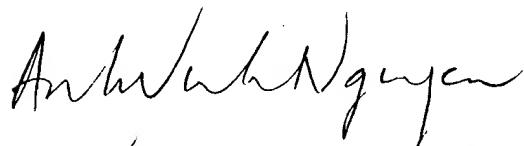
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Nishimura et al (US Patent No. 5,696,611) discloses an achromatic color-judging region in a red-green-blue color system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



December 1, 2005

Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626